

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KARTHIK SUBRAMANI,	)	Case No. 13-cv-01605-SC
	)	
Plaintiff,	)	ORDER DENYING DEFENDANT'S
	)	<u>MOTIONS FOR SANCTIONS</u>
v.	)	
	)	
WELLS FAGO BANK, N.A.; and	)	
FIDELITY NATIONAL TITLE COMPANY,	)	
	)	
Defendants.	)	
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Now before the Court are Defendant Wells Fargo Bank, N.A.'s ("Wells Fargo") two motions for sanctions. The motions are fully briefed,<sup>1</sup> and the Court deems them suitable for disposition without oral argument pursuant to Civil Local Rule 7-1(b). Both motions are DENIED.

These sanctions motions both relate to alleged violations of the discovery rules by Plaintiff Karthik Subramani. On October 7,

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<sup>1</sup> ECF Nos. 65 ("RFA Mot."), 74 ("RFA Opp'n"), 66 ("Interr. Mot."), 75 ("Interr. Opp'n"). Wells Fargo declined to file a reply brief for either motion.

1 2014, Wells Fargo served its first set of requests for admission  
2 and first set of interrogatories on Plaintiff. See ECF No. 53-2  
3 ("Grewal Decl.") Exs. A ("RFA") at 4, B ("Interrs.") at 6. On  
4 November 10, 2014, Plaintiff provided responses to both. See  
5 Grewal Decl. Exs. C ("RFA Resp."), D ("Interrs. Resp."). However,  
6 only Plaintiff's attorney, and not Plaintiff himself, signed the  
7 reponses. See RFA Resp. at 3; Interrs. Resp. at 9. Wells Fargo  
8 believed some responses to both requests were inadequate. Counsel  
9 for Wells Fargo conferred with counsel for Plaintiff, explained why  
10 it believed the responses were inadequate, and demanded amended  
11 responses. See Grewal Decl. Ex. E. Counsel for Plaintiff replied:

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13 We believe that the answers that were provided answered  
14 the questions and were responsive, although maybe not to  
15 the degree that you would like. The answers provided  
will not be amended any further. You have the option of  
making a motion to compel with the Court for the relief  
you seek.

16 Grewal Decl. Ex. F.

17 Taking Plaintiff's counsel's suggestion, Wells Fargo filed  
18 motions to compel amended responses to the interrogatories and  
19 requests for admission. See ECF Nos. 53, 54. On December 18,  
20 2014, the Court granted both motions. See ECF No.63.

21 Federal Rule of Civil Procedure 37 permits a party who  
22 prevails on a motion to compel to recover the "reasonable expenses  
23 incurred in making the motion, including attorney's fees" from the  
24 party who necessitated the motion. Fed. R. Civ. P. 37(a)(5)(A).  
25 In fact, Rule 37 requires the Court to order the party who  
26 necessitated the motion to pay those expenses, unless (i) the  
27 movant filed the motion before attempting in good faith to obtain  
28 the disclosure or discovery without court action; (ii) the opposing

1 party's nondisclosure, response, or objection was substantially  
2 justified; or (iii) other circumstances make an award of expenses  
3 unjust. Id. If any of those three extenuating circumstances  
4 exist, the Court must not order the payment of expenses. The Court  
5 also has the discretion to determine who should pay the costs: "the  
6 party or deponent whose conduct necessitated the motion, the party  
7 or attorney advising that conduct, or both . . . ." Id.

8 "[T]he burden of showing substantial justification and special  
9 circumstances is on the party being sanctioned." Hyde & Drath v.  
10 Baker, 24 F.3d 1162, 1171 (9th Cir. 1994), as amended (July 25,  
11 1994). However, substantial justification is not usually a  
12 difficult standard to meet; it simply requires that there be "a  
13 genuine dispute" or that "reasonable people could differ." Pierce  
14 v. Underwood, 487 U.S. 552, 565 (1988).<sup>2</sup> Courts have, for example,  
15 denied the imposition of sanctions where a party's oppositions to  
16 requests for admission were overruled, but where "the case law on  
17 the issue [was] not fully delineated or settled . . . ." Colaco v.  
18 ASIC Advantage Simplified Pension Plan, 301 F.R.D. 431, 436 (N.D.  
19 Cal. 2014).

20 In response to both motions, Plaintiff asserts that he had  
21 substantial justification for his responses to Wells Fargo's  
22 interrogatories. The Court agrees. While Plaintiff's responses  
23 were inadequate, they were not so egregious that no reasonable  
24 person could believe they were sufficient. Once the Court granted

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25 <sup>2</sup> Pierce dealt with the definition of "substantially justified" in  
26 a different context (the section of the United States Code related  
27 to award costs and fees in civil actions brought by or against the  
28 United States). However, the Supreme Court cited the Advisory's  
Committee's Notes on Rule 37 in deriving its definition, and the  
Court sees no reason that a different definition would apply here.

1 Wells Fargo's motions to compel, Plaintiff timely provided revised  
2 responses. Accordingly, the Court finds monetary sanctions  
3 inappropriate. Defendant Wells Fargo's motions for sanctions are  
4 DENIED.

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6 IT IS SO ORDERED.

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8 Dated: March 18, 2015



9 UNITED STATES DISTRICT JUDGE  
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